IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION ST.NO.14152 OF 2007

Indravan Ratanchand Patel
@ Gujarathi through L.R. ...Petitioners

vs.

Shivchand Manekchand Lalwani & Ors. ...Respondents

AND
CIVIL REVISION APPLICATION ST.NO.14160 OF 2007

1.Vishwanath Ratanchandsheth Gujarathi

2.Indravadan Ratanchandsheth Patel
(since deceased through LRs.) ...Petitioners

vs.

Shivchand Manakchand Lalwani & Anr. ...Respondents

Mr.M.C.Shah i/b Mr.Ajay Rao for the Applicant.

CORAM: A.S.OKA, J.
DATE : JUNE 28,2007.

P.C.:

1. Heard learned Counsel for the Applicant. He states that notice has been served to the original Plaintiffs and Affidavit of service will be filed. Time to file Affidavit of service is granted till 9th July 2007.

2. The learned Counsel for the Revision Applicants on instructions of the Revision Applicants states that without prejudice to the rights and contentions of the Revision Applicants in other pending proceedings, the Applicants are not pressing this Revision Application on merits. He submits

that as the Applicants have been carrying on business in the suit premises for last several years, the Applicants may be granted a longer time to vacate. He submits that some time will be required for the Applicants to secure another accommodation for shifting their established business. He prays that the time of two years be granted to vacate.

3. Since the Revision Applicants are not pressing the Revision Application on merits, the litigation between the parties will attain finality in the sense that the decree for eviction shall stand confirmed. If this Revision Application was to remain pending for final hearing, it is obvious that the same could not have reached hearing for few years.

4. Considering the fact that the Applicants are carrying on business in the suit premises for a very long time, a longer time of two years to vacate the suit premises as prayed for deserves to be granted.

5. Hence, following order is passed :

i) The Revision Applications are dismissed as not pressed.

ii) Notwithstanding dismissal of the Revision Applications, the decree for possession shall not be

executed till 10th May 2009 subject to the Applicants filing usual undertakings to vacate the suit premises. The undertakings shall be filed in this Court within a period of four weeks from today.

iii) If usual undertakings are not filed by the Applicants within the stipulated time, the decree for possession will become executable.

iv) No order as to costs.

v) Parties to act upon an authenticated copy of this order.

JUDGE